	Application Number	09/972124
FACSIMILE	Filing Date	October 5, 2001
TRANSMITTAL	First Named Inventor	Birkholz, Russell D. CENTRAL FAX CENT
FORM	Art Unit	1771 MAY 3 1 2005
	Examiner Name	Zirker, Daniel R.
Fax: 703-872-9306	Attorney Docket Number	56764US002
Total Number of Pages in This	Submission: 12	
Date: May 31, 2005	Attorney for Applicant: Co	lene H. Blank
EN	CLOSURES (check all th	at apply)
Fee Transmittal Form Issue Fee Transmittal Amendment Transmittal	Petition	Appeal Communication to Board of Appeals and Interferences
Amendment/Reply After Final Affidavits/Declaration(s)	Petition to Convert a Provise Application	Appeal Communication to Technology Center (Appeal Notice, Brief, Repty Brief)
☐ Extension of Time Request	☐ Power of Attorney, Revoca	tion Proprietary Information
Express Abandonment Request	Change of Correspondence Address	Status Letter
Information Disclosure Statement	Terminal Disclaimer	Other Enclosures:
Response to Missing Parts/ Incomplete Application Response to Missing Parts	Request for Refund	Affidavit of Jeanette Distro
under 37 CFR § 1.52 or 1.53 Response to Missing Parts under 35 USC 371 in US Designated/ Elected Office (DO/EO/US)	Request for Continued Examination (RCE) Transn	nittal
☐ Drawings	After Allowance Communication to Technic	plogy
	REMARKS:	

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Patent Case No.: 56764US002

32692

Customer Number

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:

BIRKHOLZ, RUSSELL D.

Application No.:

09/972124

Group Art Unit:

1771

Filed:

October 5, 2001

Examiner:

Zirker, Daniel R.

Title:

WATER CONTACT INDICATOR

PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION UNDER 37 CFR § 1.181 (NO FEE REQUIRED)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]

I hereby certify that this correspondence is being:

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transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 703-872-9306

5-31-05

Signed by:

Dear Sir:

Reconsideration of the holding of abandonment set forth in the Notice of Abandonment mailed on February 3, 2005 is requested. This request is within two months of the holding of abandonment and is timely.

Applicants hereby petition for the withdrawal of the holding of abandonment in the subject application. The Notice of Abandonment cited that Applicants failed to respond to a Notice of Allowance and Fee(s) Due that was mailed on September 28, 2005. This Notice of Allowance and Fee(s) Due was never received by the Applicants. Accordingly, the due date for paying the issue fee was never placed on the Applicants' attorney's docket and no response to the notice could have been filed by Applicants.

On January 30, 2004, Applicants received an Action dated January 27, 2004 that included a Notice of Allowability. This Action did not include the Part B - Fees Transmittal. Applicant contacted the Patent Office on February 5, 2004 to request a copy of the fee transmittal form. On February 19, 2004, Applicants' attorney's assistant spoke with Sandra Sewell of the U.S. Patent and Trademark Office. Ms. Sewell indicated that a fee transmittal form would be sent out. The Part B - Fees Transmittal was not mailed out until September 28, 2004 and then never received

Case No.: 56764US002 Application No.: 09/972124

by Applicant. These steps by Applicant show that Applicants' attorney was actively waiting for the Notice of Allowance, and that the PTO was notified that Applicants had not received the same.

Applicant attests to the fact that the file jacket for the subject application has been searched and the docket records reviewed to verify that the Notice of Allowance and Fee(s) Due mailed on September 28, 2005 was not received. A copy of the docket record is enclosed. An arrow has been placed in the left margin to indicate where the docket entry would have been had the Notice of Allowance and Fee(s) Due been received.

Also enclosed is an Affidavit of Jeanette Dishno, a docket administrator in the office of the addressee, which supports this petition. The Affidavit describes the usual docket procedure utilized by the addressee. The Affidavit describes and provides copies of the 3M Innovative Properties Company File History and a separate computer search for all Notices of Allowances received by 3M Innovative Properties Company during the relevant time period. The Affidavit thus shows that procedures are in place for appropriately handling papers, recording their receipt, and docketing for action, and that these procedures were followed for communications from the United States Patent and Trademark Office (PTO) during the relevant timeframe.

In view of the enclosed Affidavit, supporting documents, and this petition, Applicants respectfully request that the holding of abandonment be withdrawn and that Applicants be issued another Notice of Allowance and Fee(s) Due.

This Petition is believed to be timely submitted. It is believed that no fee is due; however, in the event a fee is required, please charge the fee to Deposit Account No. 13-3723.

Applicants respectfully request acknowledgment of the active status of this application.

Respectfully submitted,

By: Colene H. Blank, Reg. No.: 41,056

Telephone No.: (651) 737-2356

Office of Intellectual Property Counsel 3M Innovative Properties Company

Facsimile No.: 651-736-3833

Country Applica	tion		Thursday, May 26, 2005	Page: 1
Case Number:	56764US002	(Country: US	
Parent Case Number:			United States of An	nerica
Priority Case Number:		Ca	se Type: ORD	
Application Status: 1	Pending		Status Date: 11-Jun-2	2003
Application Number: (09/972124		Filing Date: 05-Oct-2	2001
Publication Number: (03 - 0096107-A1		Publication Date: 22-May-	-2003
Patent Number:			Issue Date:	
Priority Appl. Number:		Pı	iority Filing Date:	
Priority Patent Number:		P	riority Issue Date:	
Tax Schedule: !	LE		Expiration Date:	
		Foreign F	iling License Date: 05-Nov-	2001
Confirmation Number:		Patent '	Ferm Adjustment: 0	
Terminal Disclaimer:		Secrecy Order: _	Government R	lights: 🗍
Agent:				
Agent Reference #:				
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List Of Assignee		Assignment	Recordation	
Assignee		Date	Date Reel	Frame

Country Application		Thursday, Ma	-	Page: 2
List Of Actions		Sir in Zirit	A adda.	
Action(s) Due	Due Date	Indicator	Action Taken	Date Taken
US ORD Application	05-Oct-2001	Due Date	Yes	05-Oct-2001
US Assignment and Cover Sheet	12-Nov-2001	Due Date	Yes	12-Nov-200
File Missing Parts	05-Jan-2002	Due Date	Yes	12-Nov-200
Information Disclosure Stmnt	05-Jan-2002	Due Date	Yes	28-Dec-200
1st Extension	05-Feb-2002	Reminder	No	12-Nov-200
2nd Extension	05-Mar-2002	Reminder	No	12-Nov-200
3rd Extension	05-Apr-2002	Reminder	No	12-Nov-200
US Resubmit Assignment	11-Apr-2002	Due Date	Yes	28-Mar-200
4th Extension	05-May-2002	Reminder	No	12-Nov-200
Final Deadline	05-Jun-2002	Final	No	12-Nov-200
Del. Foreign Filing to Coord.	19-Jul-2002	Due Date	Yes	12-Jul-2002
SMD - Foreign Filings	05-Aug-2002	Due Date	Yes	 07-Aug-200
Foreign Filing Due, Final	05-Oct-2002	Final	Yes	05-Sep-200
Submit Cited Art - PCT - 1 Mo.	29-Dec-2002	Reminder	Yes	10-Dec-200
3 Month Due Date	18-Feb-2003	Due Date	Yes	18-Feb-200
Submit Cited Art - PCT - 3 Mo.	28-Feb-2003	Due Date	Yes	10-Dec-200
1st Extension	18-Mar-2003	Reminder	No	18-Feb-2003
2nd Extension	18-Apr-2003	Reminder	No	18-Feb-2003
6 Month Final Date	18-May-2003	Final	No	18-Feb-2003
Amendment After Final	20-May-2003	Reminder	Yes	19-May-200
Appeal From Final	20-Jun-2003	Due Date	No	11-Jun-2003
1st Extension	20-Jul-2003	Reminder	No	11-Jun-2003
Submit Cited Art - PCT - 1 Mo.	30-Jul-2003	Reminder	No	21-Jul-2003
2nd Extension	20-Aug-2003	Reminder	No	11-Jun-2003
5 Month Final Date	20-Sep-2003	Final	No	11-Jun-2003
Submit Cited Art - PCT - 3 Mo.	30-Sep-2003	Due Date	No	21-Jul-2003
Month Due Date	20-Nov-2003	Due Date	Yes	20-Nov-200
st Extension	20-Dec-2003	Reminder	No	20-Nov-200
Submit Cited Art - PCT - 1 Mo.	17-Jan-2004	Reminder	No	09-Jan-2004
2nd Extension	20-Jan-2004	Reminder	No	20-Nov-200
6 Month Final Date	20-Feb-2004	Final	No	20-Nov-2003

Country Appl	ication		Thursday, Ma	ay 26, 2005	Page: 3
Submit Cited Art - PC	CT - 3 Mo.	17-Mar-2004	Due Date	No	09-Jan-2004
No Action in 1 Year		09-Feb-2005	Due Date	No	11-Feb-2005
Petition to Revive?		03-Mar-2005	Due Date	Yes	14-Mar-2005
	То	Sta	atus Date		
From	To Mailed	•	atus Date Oct-2001	, . .	d
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User ID: US029106 Date Created: 31-May-2001 Last Update: 19-May-2005 32692 Customer Number Patent

Case No.: 56764US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:

BIRKHOLZ, RUSSELL D.

Application No.:

09/972124

Group Art Unit:

1771

Filed:

October 5, 2001

Examiner:

Zirker, Daniel R.

Title:

WATER CONTACT INDICATOR

AFFIDAVIT OF JEANETTE DISHNO IN SUPPORT OF PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

CERTIFICATE OF MAILING	OR	TRANSMISSION	137 CFR	§ 1.8((a)]
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5-31-05

Signari by

STATE OF MINNESOTA)

) SS.

COUNTY OF RAMSEY

I, Jeanette Dishno, of 3M Innovative Properties Company, being duly sworn, depose and say as follows:

- 1. I have been employed at 3M Innovative Properties Company, a wholly-owned subsidiary of 3M Company, Saint Paul, Minnesota, since December 1997. My present position is Docket Administrator in the 3M Office of Intellectual Property Counsel (OIPC), and I have been in the position for seven (7) years.
- 2. As docket administrator, part of my job is to calculate due dates and enter docket action due dates on the 3M computerized docket system for communications received from the U.S. Patent and Trademark Office. I hereby verify that the enclosed File History Report for application Serial No. 09/972124 is the true and correct copy of a printout from the 3M computerized docket system.

Further deponent sayeth not.

Jeanette R. Dishno

Sworn to and subscribed before me this.

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KIM A. ELFSTROM Notary Public

56964US006 10/161800 US Issue/Publication 8/12/2004 Issue/Publication Fees, Final 14317US027 10/4631944 US Issue/Publication 8/12/2004 Issue/Publication Fees, Final 14317US027 10/463194 US Issue/Publication 8/12/2004 Issue/Publication Fees, Final 15305US007 10/462/473 US Issue/Publication 8/12/2004 Issue/Publication Fees, Final 17752US007 10/462/473 US Issue/Publication 8/12/2004 Issue/Publication Fees, Final 17752US007 10/47714 US Issue/Publication 8/12/2004 Issue/Publication Fees, Final 17752US007 10/6724013 US Issue/Publication 8/12/2004 Issue/Publication Fees, Final 17752US007 10/6724013 US Issue/Publication 8/12/2004 Issue/Publication Fees, Final 17752US007 10/6724013 US Issue/Publication 8/12/2004 Issue/Publication Fees, Final 17752US007 10/67240 US Issue/Publication 8/16/2004 Issue/Publication Fees, Final 17752US007 10/67240 US Issue/Publication 8/16/2004 Issue/Publication Fees, Final 17752US007 10/67240 US Issue/Publication 8/16/2004 Issue/Publication 16/67204 Issue/Publication	11/24/2004	11/25/2004 Yes	8/25/2004 Issue/Publication Fees, Final	US Issue/Publication	:10/211096	57707US002	E S
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